

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

SAMUEL LEWIS TAYLOR, Reg. No. 166914,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4060-CV-C-SOW
)	
ROBYN COMBS, et al.,)	
)	
Defendants.)	

ORDER

On August 20, 2009, United States Magistrate Judge William A. Knox recommended that the motions of Missouri Department of Corrections defendants Dave Dormire, Lisa Jones, Robyn Combs, Walter Koon, Gregory Patrick , and Curtis Nelson be granted and plaintiff's claims against these defendants be dismissed. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on September 11, 2009. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. Specifically, as to plaintiff's excessive force claims, he cannot create a question of fact or issue of credibility by contradicting his own previous testimony given under oath at his deposition. City of St. Joseph, Missouri v. Southwestern Bell Telephone, 439 F.3d 468, 475-76 (8th Cir. 2006).

The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of August 20, 2009, is adopted. [109] It is further

ORDERED that the motions of Missouri Department of Corrections defendants Dave Dormire, Lisa Jones, Robyn Combs, Walter Koon, Gregory Patrick , and Curtis Nelson are granted and plaintiff's claims against these defendants are dismissed. [76, 99]

/s/

SCOTT O. WRIGHT
Senior United States District Judge

Dated: September 23, 2009
Kansas City, Missouri